

# Cicero detective?

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In early April of 52 B.C., Rome's greatest defence advocate and political speaker, Marcus Tullius Cicero, took the stand on behalf of his political ally, Milo, accused of murdering his arch-enemy, Clodius; a crime of which he was almost certainly guilty. Cicero's speech for the defence, the *In defence of Milo*, is often said to be one of his best speeches. But it has one unusual feature: it conforms closely to the instructions given in the ancient rhetorical rule-books, used in schools. This level of conformity is unusual in a speech from such a late period in Cicero's oratorical career; normally, the later the speech, the more likely Cicero is to break away from the school-book rules, as if experience had given him confidence to think for himself. Why then does he return to the habits of his youth, almost thirty years before, in the *In defence of Milo*?

One possibility is that the speech we have was written not for the courtroom but for the classroom, that it was designed not to secure Milo's acquittal but to illustrate speech-writing technique using a famous political case. Alternatively, the 'rule-book' style of the *In defence of Milo* could have been specifically designed to take the jury back to their own days as students, with a familiarity which is comforting and persuasive. But there is a third possibility which I would like to consider, using the surprising method of comparing Cicero's work to modern detective fiction.

The very elements of the speech which conform to the ancient rhetorical rule-books are also paralleled in the modern murder-mystery. To show you what I mean, I will compare aspects of the *In defence of Milo* and an ancient rhetorical rule-book dating to Cicero's youth, the *Art of Rhetoric for Herennius*, to a detective novel: *Busman's Honeymoon*, the last of Dorothy L. Sayers' novels featuring her aristocratic sleuth, Lord Peter Wimsey, and Sayers' own *alter ego*, the mystery-writer Harriet Vane. Sayers was famous in the thirties for raising the literary quality of the detective novel, as Iain M. Banks has done for science fiction and Neil Gaiman for comics more recently.

## Motive

The first argument Cicero uses, after describing the events which led up to Clodius' death, is about MOTIVE: which of Milo and Clodius had a greater reason for laying an ambush for the other?

*In the case of that beast, so daring and wicked, it is indeed enough to show that he had a great motive for acting, great hope invested in the death of Milo, great advantages to be gained. And so let that saying of Cassius be valid in the case of these individuals: 'cui bono?' [whom did the crime benefit].*

In the *Art of Rhetoric for Herennius*, too, MOTIVE comes first in a list of arguments to be used in arguing what happened:

*MOTIVE is that which led to the crime, through hope of advantages or avoidance of disadvantages. In arguing for the hope of advantages, the prosecutor will demonstrate the greed of the accused, in arguing for the avoidance of disadvantages, he will exaggerate the problems he faced. The defence, on the other hand, will deny there was a MOTIVE altogether, if possible; otherwise he will downplay it as much as he can.*

Does Cicero put MOTIVE first in his argument because it is first in the rule-book list, or is there a correspondence simply because both Cicero and the rhetorical teacher believed motive was

important? Lord Peter Wimsey is rather more sceptical about the importance of MOTIVE, but he acknowledges that other people see things differently:

*The police are excellent fellows, but the only principle of detection they have really grasped is that wretched phrase Cui bono? They will hare off after motive, which is a matter for psychologists. Juries are just the same. If they can see a motive they tend to convict, however often the judge may tell them that there's no need to prove motive, and that motive by itself will never make a case. You've got to show how the thing was done, and then, if you like, bring in motive to back up your proof. If a thing could only have been done one way, and if only one person could have done it that way, then you've got your criminal, motive or no motive.*

(Note that the Latin phrase used by Cicero to express the idea of MOTIVE, *cui bono?*, has survived the centuries and entered the English language – and Lord Peter knows his Latin!)

The difference between Lord Peter's attitude and Cicero's may be attributed to the fact that Lord Peter is a detective, attempting to uncover the truth, whereas Cicero is an advocate, attempting to convince a jury of a position – quite possibly an untrue one at that. In any case, despite his attitude here, no solution to a mystery presented by Lord Peter ever in fact neglects the issue of MOTIVE. As Harriet points out:

*I do think it looks neater to have a comprehensive motive. Murder for the fun of it breaks all the rules of detective fiction.*

The juries Peter mentions, and the readers of Harriet's detective-novels, know the importance of MOTIVE.

## Character

The second argument suggested in the *Art of Rhetoric for Herennius* is the argument from CHARACTER:

*Then the man's CHARACTER will be considered from his previous deeds. The prosecutor will first investigate whether the accused has ever done anything similar. He will need to take care that the man's CHARACTER matches the motive of the crime which he expounded a little earlier. If he cannot find a flaw which matches the motive, let him find one which does not match. The defence will first show an upright CHARACTER, if he can.*

Cicero does discuss the previous deeds of both Clodius and Milo after discussing motive, but the characterization of these two men has been tremendously important from the very beginning of the speech – note how Clodius is referred to as a 'beast' in the passage about MOTIVE above.

In a similar way, the CHARACTER of several of the suspects in *Busman's Honeymoon* is shown by description and narrative in the early chapters, before the body is even discovered. The villain initially seems of good CHARACTER, but gradually his actions, although apparently unrelated to the murder, show him to be cold, calculating, and cruel. This gradual revelation is very different from Cicero's consistent characterization of Clodius and Milo throughout the speech – the mystery-writer creates suspense, whereas the defence-orator makes everything clear from the start. But CHARACTER is equally important in both.

*Busman's Honeymoon* also includes some snapshots of the trial, in which the defence-advocate is shown to follow the instructions of the *Art of Rhetoric for Herennius* in attempting to portray his client in a positive light:

*Sir Impey Biggs, eloquent on behalf of the prisoner – 'this industrious and ambitious young man'.*

This shows that the importance of presenting a defendant's CHARACTER in as good a light as possible has not changed over the centuries, whatever other differences there are between ancient Rome and modern Britain.

### Comparison, time, place

Other arguments suggested in the *Art of Rhetoric for Herennius* and employed by Cicero include COMPARISON, TIME, and PLACE. Cicero frequently compares Clodius and Milo, from the points of view of MOTIVE, CHARACTER, preparation for the fight (listed in the *Art of Rhetoric* under OPPORTUNITY), and so on:

*Come now. Compare the journey of this bandit, ready for action as he was, with Milo's inconvenient travel-baggage.*

There is a remarkable summary of all these COMPARISONS at section 52 of the speech. In an amusing chapter of *Busman's Honeymoon* entitled 'This Way and That Way', Peter and Harriet work out feasible murder-scenarios involving no fewer than four different suspects, comparing different ways in which the deed could have been done. The large number of possibilities again creates suspense; certainty is postponed to a later stage in the novel. Cicero aims to create certainty from the very beginning; COMPARISON is part of the argument in both cases.

In the novel, as in so many murder-mysteries, fixing the TIME of death and working out who could have been present is an essential feature of the plot; Peter and Harriet consider the regularity of the victim's habits, the burnt-out candles, the hour of sunset in the month of October, and the all-important question of who last saw the victim alive. Cicero lays great emphasis on the late TIME of day at which the fight took place – probably, in fact, exaggerating it – in order to suggest that Clodius could have had no other motive than ambush for being on the road so late.

TIME and PLACE are intimately connected in establishing what happened, for it is necessary to work out Who was Where When. In detective parlance the combination is discussed under the heading of the 'alibi' (derived from the Latin *alibi*, meaning 'elsewhere'). The first thing that happens after the discovery of the body is a series of interviews in which the police, observed by Peter and Harriet, question all the suspects about their actions on the night of the murder; without giving too much away, I can say that the precise location where the killing blow was struck is absolutely crucial to the final solution. To Cicero, the location of the fight between Clodius and Milo was also crucial: near a villa belonging to Clodius, a far more suitable spot for Clodius to ambush Milo than the other way round.

Many more parallels between ancient judicial speeches and modern murder-mysteries can be found. So is the rule-book style of *In defence of Milo* due, at least in part, to the subject-matter of this speech – the subject-matter most beloved of mystery-writers: murder? Although Milo was tried under the charge of political violence (*de ui*), the crux of the matter was the killing of Clodius. This subject-matter links *In defence of Milo* to one of Cicero's early speeches, which was delivered at a murder-trial: *In defence of Roscius of Ameria*. In that speech, too, MOTIVE, CHARACTER, COMPARISON, TIME, and PLACE are all important. Perhaps Cicero has good reason for going back to the rule-books of his youth, which themselves focus on mythological murders when giving examples (such as Orestes and Clytemnestra). Cicero's other cases of the 50s were not so straightforward, dealing with complex political crimes which could not be boiled down to a straightforward single act where MOTIVE, MEANS, and

OPPORTUNITY could apparently be established.

Dorothy L. Sayers, who started learning Latin at the age of six and was one of the first woman graduates of Oxford University, could well have been familiar with the *Art of Rhetoric for Herennius* and its rules, but we do not need to use this to explain the correspondences between that rhetorical work and her detective fiction. The single most important rule of ancient rhetoric was known in Latin as *decorum*, 'appropriateness': the orator should say what was appropriate to his case. In *In defence of Milo*, Cicero may simply have seen that the rules were appropriate to the subject-matter, and many a detective-novelist in the 20th century has followed in his footsteps.

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